



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Resolution No. 4560		<b>Date:</b> January 25, 2010		
<b>Department:</b> Police	<b>Attachments:</b> Resolution No. 4560	<b>Budget Impact:</b>		
<b>Administrative Recommendation:</b>  City Council adopt Resolution No. 4560				
<b>Background Summary:</b>  <p>The City of Auburn applied for, and was awarded a grant through the United States Department of Justice, Office of Community Oriented Policing Services (COPS). The award was part of the COPS Hiring Recovery Program (CHRP). This grant was initially awarded to the City in the amount of \$1,290,880.00 to be used for the hiring of (5) five new entry level commissioned police officers. Prior to officially accepting this award and hiring the entry level officers, due to the economic downtown, the city experienced budget concerns where layoffs of commissioned police officers was imminent. The hiring of 5 new police officers was not consistent with the budget. The grant award had an option that allowed the City to request a modification from 5 new hire police officers to retaining or rehiring 5 police officers that had been laid off or were scheduled to be laid off. The City of Auburn requested this modification to the application which has been accepted and the grant has been modified.</p> <p>The CHRP grant awarded to the City of Auburn is in the amount of \$1,290,880.00. The funds are to be used for the retention of 5 commissioned police officers over the three year period of 2010, 2011 and 2012.</p> <p>P0201-1 F5.2.10</p>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>Reviewed by Council &amp; Committees:</b>  <input type="checkbox"/> Arts Commission    <b>COUNCIL COMMITTEES:</b>  <input type="checkbox"/> Airport                <input type="checkbox"/> Finance  <input type="checkbox"/> Hearing Examiner      <input type="checkbox"/> Municipal Serv.  <input type="checkbox"/> Human Services        <input type="checkbox"/> Planning &amp; CD  <input type="checkbox"/> Park Board              <input type="checkbox"/> Public Works  <input type="checkbox"/> Planning Comm.        <input type="checkbox"/> Other _____ </td> <td style="width: 50%; vertical-align: top; border: none;"> <b>Reviewed by Departments &amp; Divisions:</b>  <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input type="checkbox"/> Legal  <input type="checkbox"/> Public Works  <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources </div> </div> </td> </tr> </table>			<b>Reviewed by Council &amp; Committees:</b> <input type="checkbox"/> Arts Commission <b>COUNCIL COMMITTEES:</b> <input type="checkbox"/> Airport <input type="checkbox"/> Finance <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Human Services <input type="checkbox"/> Planning & CD <input type="checkbox"/> Park Board <input type="checkbox"/> Public Works <input type="checkbox"/> Planning Comm. <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input type="checkbox"/> Legal  <input type="checkbox"/> Public Works  <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources </div> </div>
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<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No                      Call for Public Hearing    ___/___/___ Referred to _____ Until ___/___/___ Tabled _____ Until ___/___/___				
<b>Councilmember:</b> Peloya		<b>Staff:</b> Kelly		
<b>Meeting Date:</b> February 1, 2010		<b>Item Number:</b> VIII.B.3		

**RESOLUTION NO. 4 5 6 0**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING AND AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

WHEREAS, the Auburn Police Department, in order to more effectively address the law enforcement needs of the city, has sought a Community Oriented Policing Services (COPS) grant from the Department of Justice; and

WHEREAS, the Auburn Police Department has been awarded COPS grant funds in the amount of one million, two hundred ninety thousand, eight hundred and eighty dollars (\$1,290,880.00); and

WHEREAS, these funds shall be utilized for the retention of five police officers that were scheduled to be laid off do to budgetary concerns; and

WHEREAS, these funds are available for use towards the retention of five police officers over a three year period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, HEREBY RESOLVES as follows:

**Section 1.** The Mayor of the City of Auburn is hereby authorized to accept the COPS grant with the award document attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

**Section 2.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

**Section 3.** This resolution shall be in full force and affect upon passage and signatures hereon.

DATED and SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF AUBURN

\_\_\_\_\_  
PETER B. LEWIS  
Mayor

Attest:

\_\_\_\_\_  
Danielle E. Daskam  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Daniel B. Heid  
City Attorney



U.S. Department of Justice  
*Office of Community Oriented Policing Services (COPS)*

Grants Administration Division  
1100 Vermont Avenue, NW  
Washington, D.C. 20530

January 7, 2010

Chief of Police James Kelly  
Auburn, City of  
340 East Main Street, Suite 201  
Auburn, WA 98002

RECEIVED

JAN 14 2010

OFFICE OF THE CHIEF OF POLICE  
AUBURN POLICE DEPARTMENT

Re: COPS Hiring and Recovery Program Grant # 2009RKWX0881  
ORI#: WA01701

Dear Chief Kelly:

We recently received correspondence requesting a modification to your department's COPS Hiring Recovery Program (CHRP) 2009 grant award. Specifically, you requested to modify the categories under which your agency was approved to hire CHRP officer positions. Your agency was previously approved for the following number of full-time positions in each of the three hiring categories allowed under this grant program:

New Hires: 5  
Re-Hire of Officer(s) Laid-off pre-application: 0  
Re-Hire of Officer(s) Laid-off or scheduled to be laid-off post-application: 0

I am pleased to notify you that your agency's request to change hiring categories, received 01/04/2010, has been approved. Your CHRP award now reflects the following number of full-time positions in each of the three hiring categories:

New Hires: 0  
Re-Hire of Officer(s) Laid-off pre-application: 0  
Re-Hire of Officer(s) Laid-off or scheduled to be laid-off post-application: 5

Enclosed in this packet is your Modified CHRP Grant award. **The award document must be signed and returned to the COPS Office within 90 days from the date of this letter to officially accept your grant.** On the reverse side of the grant award is a list of conditions that apply to your grant. You should read and familiarize yourself with these conditions.

If you have any questions, please do not hesitate to contact your COPS Grant Program Specialist at (800) 421-6770.

Sincerely,

Andrew A. Dorr  
Assistant Director for Grants Administration



U. S. Department of Justice  
Community Oriented Policing Services  
Grants Administration Division  
COPS Hiring Recovery Program  
Treasury Account Symbol (TAS) 15-0910-0412



**Modified**

Grant #: 2009RKWX0881  
ORI #: WA01701  
Applicant Organization's Legal Name: Auburn, City of  
OJP Vendor #: 916001228  
DUNS#: 032942575

**Law Enforcement Executive:** Chief of Police James Kelly

Address: 340 East Main Street  
Suite 201  
City, State, Zip Code: Auburn, WA 98002  
Telephone: (253) 931-3080  
Fax: (253) 931-3108

**Government Executive:** Mayor Peter B. Lewis

Address: 25 West Maine Street  
City, State, Zip Code: Auburn, WA 98001  
Telephone: (253) 931-3041  
Fax: (253) 288-3132

Award Start Date: 7/1/2009

Award End Date: 6/30/2012

**Original Full Time Officers Funded**

Original Number of Full Time Officers Funded:	5	New Hires:	5
Revised Number of Full Time Officers Funded:	5	Rehires - Pre-Application Layoffs:	0
		Rehires - Post-Application Layoffs:	0
		Revised Full Time Officers Funded:	
		New Hires:	0
Original Award Amount:	\$1,290,880.00	Rehires - Pre-Application Layoffs:	0
Revised Award Amount:	\$1,290,880.00	Rehires - Post-Application Layoffs:	5

Bernard Melekian  
Director

JAN 8 2010

Date

By signing this Award Document, the grantee agrees to abide by all 16 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Signature of Law Enforcement Official with the  
Authority to Accept this Grant Award

Typed Name and Title of Law Enforcement  
Official

Date

Signature of Government Official with the Authority to  
Accept this Grant Award

Typed Name and Title of Government Official

Date

U. S. Department of Justice  
Office of Community Oriented Policing Services  
**COPS Hiring Recovery Program Grant Terms and Conditions**

By signing the Award Document to accept this COPS Hiring Recovery Program (CHRP) grant, the grantee agrees to abide by the following grant terms and conditions:

1. The grantee agrees to comply with the terms and conditions in this COPS Hiring Recovery Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd; et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); American Recovery and Reinvestment Act (Recovery Act) of 2009, P.L.111-5; representations made in the COPS Hiring Recovery Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
2. The grantee agrees to comply with the Assurances and Certifications forms that were submitted as part of its COPS Hiring Recovery Program application.
3. The funding under this project is for the payment of approved full-time entry-level sworn officer salaries and fringe benefits over three years (for a total of 36 months of funding) for new or rehired additional, career law enforcement officer positions, hired on or after the award start date. The Financial Clearance Memorandum included in your award packet specifies the costs that the grantee is allowed to fund with your CHRP award. It will also describe any costs which have been disallowed after review of your proposed budget. The grantee may not use CHRP funds for anything not identified as allowable in the Financial Clearance Memorandum.
4. CHRP grant funds may not be used to replace state or local funds (or, for tribal grantees, Bureau of Indian Affairs funds) that would, in the absence of federal aid, be made available for hiring and/or rehiring full-time career law enforcement officer positions.
5. At the time of grant application, the grantee committed to retaining all CHRP officer positions awarded with state and/or local funds for a minimum of 12 months at the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded positions that would have existed in the absence of the grant. You cannot satisfy the retention requirement by using CHRP positions to fill vacancies from attrition.
6. The grantee may request an extension of the grant award period to receive additional time to implement the grant program. Such extensions *do not* provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include delays in hiring COPS-funded positions, officer turnover, or other circumstances that interrupt the 36-month grant funding period. An extension allows the grantee to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. *Extension requests must be received prior to the end date of the award, as extension requests received after an award has expired will be approved only under very limited circumstances.*
7. During the CHRP grant award period, it may become necessary for an agency to modify its CHRP grant award due to changes in an agency's fiscal or law enforcement situation. For instance, modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category or reduce the total number of positions awarded. Grant modifications under CHRP are evaluated on a case-by-case basis. All modification requests must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.
8. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Hiring Recovery Program. The grantee agrees to cooperate with the monitors and evaluators.
9. To assist the COPS Office in the monitoring of your award, the grantee agrees to submit quarterly programmatic progress reports and quarterly financial reports in addition to any reports required by the Recovery Act. The grantee also agrees to submit all requested reports in a timely manner.
10. The COPS Office performs various functions to ensure compliance with all grant requirements, to assess the implementation of community policing in awarded jurisdictions, and to provide technical assistance to grantees. Grant monitoring activities are routine during the grant period and may occur up to three years following the official closure of the grant award. These functions, and others, often require the production of grant-related documentation and other materials. As a COPS CHRP grantee, you agree to cooperate with any such requests for information.
11. The grantee agrees to comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E). For assistance, grantees should consult the Office of Justice Programs, Office for Civil Rights website at [www.ojp.usdoj.gov/about/ocr/eeop.htm](http://www.ojp.usdoj.gov/about/ocr/eeop.htm).
12. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
13. All newly hired, additional officers (or an equal number of redeployed veteran officers) funded under CHRP must engage in community policing activities. Community policing activities to be initiated or enhanced by the grantee were identified and described in your CHRP grant application, with reference to each of the following elements of community policing: a) community

U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**COPS Hiring Recovery Program Grant Terms and Conditions**

partnerships and support; b) related governmental and community initiatives that complement the grantee's proposed use of CHRP funding; and c) how the grantee will use the funds to reorient its mission or enhance its commitment to community policing.

14. Grantees that provide law enforcement services to another jurisdiction through a contract must ensure that officers funded under this CHRP grant do not service the other jurisdiction, but will only be involved in activities or perform services that exclusively benefit the grantee's own jurisdiction. Grantees cannot use CHRP funds to pay for a contract to receive law enforcement services from another agency.
15. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.
16. The grantee understands that the COPS Hiring Recovery Program is funded through the American Recovery and Reinvestment Act (Recovery Act) of 2009 and agrees to comply with the extensive accountability and transparency requirements on the use of Recovery Act funds:

(A) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(1) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (Recovery Act) as required by Congress and in accordance with 28 C.F.R. 70 "Uniform Administrative Requirements for Grants and Agreements for Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" and 28 C.F.R. 66 "Uniform Administrative Requirements for Grants and Agreements for State and Local Governments," the recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(2) For a recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," the recipient agrees to separately identify the expenditures for federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(3) The recipient agrees to separately identify to each sub-recipient (if any) and document at the time of sub-award and at the time of disbursement of funds, the federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(4) The recipient agrees to require their sub-recipients (if any) to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of Recovery Act funds as well as oversight by the Department of Justice, Office of the Inspector General and Government Accountability Office.

(B) Recipient Reports and Central Contractor Registration

(1) The recipient agrees to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(2) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(3) The recipient and their first-tier recipients (if any) must maintain current registrations in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration.

(4) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at [www.FederalReporting.gov](http://www.FederalReporting.gov) and ensure that any information that is pre-filled is corrected or updated as needed.

(C) Data Elements of Recipient Reports

In accordance with section 1512(c) of the Recovery Act, the recipient agrees that not later than 10 days after the end of each calendar quarter, each recipient that received Recovery Act funds from a federal agency shall submit a report to that agency that contains —

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including —
  - (a) the name of the project or activity;
  - (b) a description of the project or activity;

U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**COPS Hiring Recovery Program Grant Terms and Conditions**

- (c) an evaluation of the completion status of the project or activity;
- (d) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
- (e) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on subcontracts or subgrants (if any) awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

These reports are in addition to other financial and programmatic reports required by the COPS Office.

**(D) Access to Records and Interviews**

The recipient agrees that the Department of Justice (DOJ) and its representatives (including COPS and the Office of the Inspector General (OIG)) and the Government Accountability Office (GAO) shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award. The recipient also agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient regarding transactions related to this Recovery Act award.

**(E) Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct**

The recipient agrees to promptly refer to the Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds. The OIG may be contacted at [OIG.hotline@usdoj.gov](mailto:OIG.hotline@usdoj.gov), [www.usdoj.gov/oig/FOIA/hotline.htm](http://www.usdoj.gov/oig/FOIA/hotline.htm), and 800.869.4499.

**(F) Protecting State and Local Government and Contractor Whistleblowers**

The recipient agrees that the Recovery Act provides certain protections against reprisals for employees of non-federal employers (state and local governments or private contractors) who disclose information to federal officials reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds.

**(G) Separate Tracking and Reporting of Recovery Act Funds and Outcomes**

The recipient agrees to maintain accounting systems and records that adequately track, account for, and report on all funds from this Recovery Act award (including officers hired, salaries and fringe benefits paid, and the number of jobs created and jobs preserved) separately from all other funds (including other COPS and federal grants awarded for the same or similar purposes).

**(H) Additional Requirements and Guidance**

The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future COPS (including government-wide) guidance and clarifications of Recovery Act requirements.